

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 14 CR 55
)	
HISHAM AHKAHLA,)	
)	
Defendant.)	

OPINION AND ORDER

Defendant Hisham Ahkahla is charged with one count of distributing XLR11, a controlled substance analogue, in violation of 21 U.S.C. § 841(a)(1). He is also charged with two counts of possessing XLR11, a controlled substance, with the intent to distribute it, also in violation of § 841(a)(1). The violations alleged in Counts Two and Three allegedly occurred after XLR11 was a scheduled substance, while the conduct alleged in Count One occurred prior to XLR11 being a scheduled substance. Presently pending are four motions *in limine* filed by the government, some of which contain multiple requests. One of the motions is completely unopposed.

A. Consolidated Motion

1. Motion to Bar Evidence of Argument Related to Penalties Faced by Defendant, Including Possible Removal is granted as unopposed. (Defendant though questions whether the motion, as argued, is overbroad. To the extent defendant intends to raise something that may tangentially raise punishment, he should inform the Government and it may raise a specific objection in advance if it so desires.)

2. Motion to Bar Forms of Argument or Evidence Designed to Elicit Jury Nullification is granted as unopposed except that the motion is denied without prejudice regarding witness motivations. Any objection regarding questions about witness motivation may be raised at the time any such question is asked. (Again, defendant questions the breadth of the Government's description. The same procedure as set forth in A(1) should be followed.)

3. Motion to Preclude Requests For, and Comments Regarding, Discovery in the Presence of the Jury is denied without prejudice to raising such objections during the trial.

4. Motion to Preclude Comments Regarding Evidentiary Rulings is granted.

5. Motion to Preclude Any Evidence and Argument of Lawfulness and Non-Corrupt Conduct is denied without prejudice to raising such objections during trial.

6. Motion to Exclude Allegations or Witness Wrongdoing Not Involving Dishonesty is granted without prejudice to defendant moving to admit specific evidence.

7. Motion to Preclude Any Argument Explaining or Defining Reasonable Doubt is denied without prejudice to raising such objections during trial.

8. Motion to Preclude Any Evidence or Argument Relating to Alibi or Unavailability, Mental Defect, Or Public Authority is granted as unopposed.

9. Motion to Preclude Any "Golden Rule" Argument To The Jury is granted as unopposed.

B. To Admit Recordings Through Testimony of Law Enforcement Officers and Other Matters Related to the Confidential Sources

The motion to admit recordings is provisionally granted subject to the foundation presented at trial and any specific objections of defendant.

C. To Admit Direct Evidence Pursuant to Federal Rules of Evidence 401 and 402, Or in the Alternative, Notice of Intent to Admit Evidence of Other Acts Under Federal Rule of Evidence 404(b)

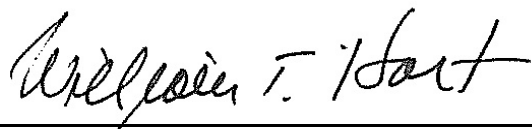
The ruling on this motion is reserved.

D. To Preclude Defendant From Arguing XLR11
Was Legal Prior to May 16, 2013

The motion to preclude argument that XLR11 was legal prior to May 16, 2013 is granted as unopposed.

IT IS THEREFORE ORDERED that the Government's motions in limine [55] and [56] are granted in part and denied in part. Government motion in limine [57] is reserved. Government motion in limine [58] is granted.

ENTER:



UNITED STATES DISTRICT JUDGE

DATED: SEPTEMBER 24, 2015